



## **Board of Zoning Appeals**

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

**DECEMBER 16, 2019**

**9:30**

**Calendar No. 19-281: 12518 Buckeye Rd**

**Ward 4**

**Kenneth L. Johnson**

**24 Notices**

Commonwealth, owner, proposes to establish use as a daycare with an accessory parking lot in a C2 Residence-Office District. The owner appeals for relief from the strict application of Section 352.09 of the Cleveland Codified Ordinances which states that an eight (8) foot wide landscaped transition strip is required where a Residence-Office District abuts a Two-Family Residence District; none proposed. (Filed November 4, 2019)

**9:30**

**Calendar No. 19-282: 12514 Buckeye Rd**

**Ward 4**

**Kenneth L. Johnson**

**24 Notices**

Commonwealth, owner, proposes to establish use as a daycare with an accessory parking lot in a C2 Residence-Office District. The owner appeals for relief from the strict application of Section 352.09 of the Cleveland Codified Ordinances which states that an eight (8) foot wide landscaped transition strip is required where a Residence-Office District abuts a Two-Family Residence District; none proposed. (Filed November 4, 2019)

**9:30**

**Calendar No. 19-286: 4403 Fenwick Ave**

**Ward 3**

**Kerry McCormack**

**8 Notices**

Cleveland Bricks LLC, owner, proposes to erect a 1 story 480 S.F. wood garage on a 4,598 S.F. lot. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a)(6)(B).2 which states that Lot width: 40' or less. Detached Garages. Permitted provided they are located in the ear half lot. Garage doors fronting a Side Lot Line shall be setback a minimum of 18 (eighteen) feet from the Side Lot Line. Proposed garage is 6'-9" to a side lot line. (Filed November 8, 2019)

**9:30**

**Calendar No. 19-287: 10922 Superior Ave**

**Ward 9  
Kevin Conwell  
18 Notices**

Mahar Suilemon, owner, is proposing to erect a car wash/motor vehicle service garage in a G2 Local Retail Business District and an Urban Form Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that car wash and motor vehicle service garage use is not permitted in a Local Retail Business District but first permitted in a General Retail Business District.
2. Section 348.04(c)(3) which states that any business served by a drive-thru shall have all points of customer interaction located outside of the Urban Street Space (defined as area within 50 feet of Urban Frontage Line-Superior Avenue)
3. Section 348.04(d)(2)(A) states that 80% of principal street frontage must be built out and approximately 68% of frontage is built out.
4. Section 348.04(d)(1)(C) which states that active use is required on at least 60% of secondary street frontage and approximately 15% is active use.
5. Section 348.04(d)(2)(E) which states that secondary street frontage requires a pedestrian entrance.
6. Section 348.04 (d)(3)(A) which states that 75% of frontage between 3 feet and 8 feet must be transparent windows and /or doors: no elevation drawings provided to make this determination.
7. Section 343.18(c) which states that driveways must be at least 15 feet from property lines: both are closer.
8. Section 341 which states that Approval of the City Planning Commission/Dept. is required.
9. Note: Lot consolidation is also required before permit can be issued (Filed November 11, 2019)

**9:30**

**Calendar No. 19-288: 7510 Father Frascati Ave.**

**Ward 15  
Matt Zone  
12 Notices**

Battery Park Development, owner, proposes to install an illuminated 50 square foot wall sign in a G3 Multi-Family Residential District and a Planned Unit Development Overlay District: The owner appeals for relief from the strict application of Section 334.18 of the Cleveland Codified Ordinances which states that within a PUD Overlay District, which includes within its boundaries an approved PUD project site plan, no Building Permit shall be issued for any exterior alteration without issuance of a Certificate of Appropriateness by the City Planning Commission. Such Certificate has not been issued by the City Planning Commission. (Filed November 12, 2019)

**9:30**

**Calendar No. 19-291: 3619 Bailey Ave.**

**Ward 3  
Kerry McCormack  
8 Notices**

Elmherst Holmes LLC. proposes to erect a 2 story, 1,622 SF single family residence with attached garage on a 2,000 square foot City Land Bank lot in a B1 Two Family District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the maximum gross floor area in a "B" area district shall not exceed ½ the lot area; 1,622 square feet are proposed.

2. Section 357.05(b)(1) which states that on the rear third of a corner lot in a Residence District where the lot line abuts a Residence District, the building line shall be not less than 10 feet back from the side street line and 8 feet are proposed.
3. Section 357.08 which states that the depth of required rear yard shall be not less than the height of the main building or in this case 28 feet and 6 inches and a 3 foot rear yard is proposed.
4. Section 357.09(b)(2) which states that the minimum distance between main buildings on adjoining lots is 6 feet ; in this case the distance is not provided.
5. Section 341.02(b) states that Approval of the City Planning Commission/Dept. is required prior to the issuance of a building permit. (Filed November 13, 2019)

**POSTPONED FROM NOVEMBER 11, 2019**

**9:30**

**Calendar No. 19-257:**

**3000 Euclid Ave.**

**Ward 7**

**Basheer S. Jones**

**30 Notices**

Majestic Hall LLC., owner, proposes to establish use as a Mental Health Center in an E5 General Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.471 which states that an institution providing in-patient or out-patient care or therapy for individuals affected by mental illness, developmental disabilities, alcoholism or substance abuse and others needing psychological therapy but which does not serve as a residence for such individuals.
2. Section 340.01 which states that the Institutional-Research (I-R) District is established to provide appropriate locations and design standards for large-scale developments of educational and medical institutions, other institutions, research facilities and professional offices, as well as residential and retail uses supportive of the principal institutional and research-related uses. An ordinance of Council is required to zone properties as I-R.
3. Section 340.02(b) which states Mental Health Center is first permitted in an Institutional-Research District (facility providing in-patient and out-patient services as defined in Section 325.471, above, as a sole and primary use is not listed as a permitted use in a General Retail Business District per Sections 343.11(b), 343.01(b), or 337.08 (Filed October 4, 2019 -No Testimony). *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE DEVELOPMENT CORPORATION TO ALLOW FOR FURTHER REVIEW.*

**POSTPONED FROM NOVEMBER 18, 2019**

**9:30**

**Calendar No. 19-254:**

**2119 Murray Hill Road  
Building 'B'**

**Ward 6**

**Blaine A. Griffin**

**38 Notices**

Murray Hill 2119 Seller, LLC. (AKA Alpha Apartment Management LLC), owner, proposes to erect a two story, 6 dwelling unit residential building in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the maximum gross floor area in "C" area district cannot exceed one half the lot size. 12,196 square foot lot allows for a 6,098 maximum gross floor area and a total of 9,750 square feet (total of all 3 buildings existing and proposed on lot) are proposed.
2. Section 357.09(b)(2) which states that the a minimum distance to the property line is 7 feet and a 5 foot side yard is provided. This section also states that a minimum aggregate width of 14 feet are required for side yards and 10 feet are proposed. Also a minimum of 10 feet is required between proposed building and existing main building on an adjoining lot and 9 feet, 3 inches are proposed.
3. Section 357.13 which states that an air conditioning condenser unit is not a permitted side yard encroachment.
4. Section 357.08(b)(1) which states that a minimum rear yard of 20 feet is required and 12 feet are proposed.
5. Section 341.02 which states that Approval of the City Planning Commission is required. (Filed October 3, 2019- No Testimony) *FIRST POSTONEMENT MADE AT THE REQUEST OF THE CDC AND THE COUNCILMAN TO ALLOW TIME FOR FURTHER REVIEW.*

**9:30**

**Calendar No. 19-255:**

**2119 Murray Hill Road  
Building 'A'**

**Ward 6**

**Blain A. Griffin**

**38 Notices**

Murray Hill 2119 Seller, LLC. (AKA Alpha Apartment Management LLC), owner, proposes to erect a three story, 3 dwelling unit residential building in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the maximum gross floor area in "C" area district cannot exceed one half the lot size. A 12,196 square foot lot allows for a 6,098 maximum gross floor area and 9,750 square feet (total of all 3 buildings existing and proposed on lot) are proposed.
2. Section 357.09(b)(2) which states that the a minimum distance to the property line is 7 feet and a 5 foot side yard is provided. This section also states that a minimum aggregate width of 14 feet are required for side yards and 10 feet 8 inches are proposed.
3. Section 357.13 which states that an air conditioning condenser unit is not permitted side yard encroachment.
4. Section 357.08(b)(1) which states that the minimum rear yard of 20 feet is required, and a 7 foot rear yard is proposed (factoring in credit for one half of the alley per section 357.08(b)(4).
5. Section 341.02 which states that Approval of the City Planning Commission is required. (Filed October 3, 2019- No Testimony). *FIRST POSTONEMENT MADE AT THE REQUEST OF THE CDC AND THE COUNCILMAN TO ALLOW TIME FOR FURTHER REVIEW.*